

## **ADDENDUM No. 1 TO THE FINANCING AGREEMENT**

### **Framework Programme in support of the current and new agreements between the European Union and the Republic of Moldova**

ENPI/2012/023-421

#### **Special Conditions**

The European Commission, hereinafter referred to as "**the Commission**", acting on behalf of the European Union, hereinafter referred to as "**the EU**",

of the one part, and

the Republic of Moldova, represented by the Government of the Republic of Moldova, hereinafter referred to as "**the Beneficiary**",

of the other part,

have agreed as follows:

The Financing Agreement for the Programme "Framework Programme in support of the current and new agreements between the European Union and the Republic of Moldova" which entered into force on 12 December 2013 is modified as follows:

#### **ARTICLE 2 – TOTAL ESTIMATED COST AND THE EU'S FINANCIAL CONTRIBUTION**

Article 2 of the Special Conditions is replaced as follows:

"2.1 The total cost of the programme is estimated at 32.54 million euro, of which 30 million euro from the ENPI 2012 Annual Action Programme in favour of the Republic of Moldova (ENPI/2012/023-421) and 2.54 million euro from the ENPI 2013 Special Measure EaPIC (Eastern Partnership Integration and Cooperation) programme (ENPI/2013/025-030).

2.2 The EU undertakes to finance a maximum of 32.54 million euro. The breakdown of the EU's financial contribution into budget headings is shown in the budget included in the Technical and Administrative Provisions (Annex II)."

#### **ARTICLE 6 - ADDRESSES**

Article 6.a of the Special Conditions is replaced as follows:

"a) **for the Commission**

**Mr Pirkka TAPIOLA**

Head of the EU Delegation to the Republic of Moldova  
12, Kogalniceanu Street  
MD-2001 Chisinau  
Republic of Moldova"

#### **ARTICLE 7 – ANNEXES**

The numbering of paragraphs in Article 7 of the Special Conditions is corrected as follows:

"7.1 The following documents shall be annexed to this Financing Agreement and form an integral part thereof:

Annex I: General Conditions

Annex II: Technical and Administrative Provisions

7.2 In the event of a conflict between the provisions of the Annexes and those of the Special Conditions of the Financing Agreement, the provisions of the Special Conditions shall take precedence. In the event of a conflict between the provisions of Annex I and those of Annex II, the provisions of Annex I shall take precedence."

#### **ARTICLE 8 – OTHER SPECIAL CONDITIONS APPLYING TO THE PROGRAMME**

The numbering of paragraphs in Article 8 of the Special Conditions is corrected as follows:

"8.1 The General Conditions are supplemented by the following:

8.1.1 Article 8.1 shall be supplemented by the following paragraph:

For the components of this Financial Agreement implemented under Joint Management the procedures of delegated body will apply."

## ANNEX II: TECHNICAL AND ADMINISTRATIVE PROVISIONS

The new version of Annex II: Technical and Administrative Provisions is attached to this addendum.

### MODIFICATION OF THE BUDGET OF THE FINANCING AGREEMENT

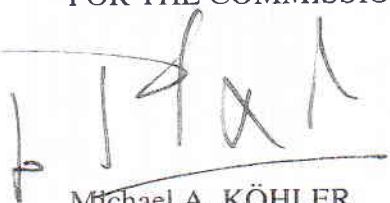
Categories	EU contribution in EUR million		
	Budget before Addendum No.1	Modification of Addendum No.1	Budget after Addendum No.1
Components 1,2 and 3	17.0	2.0	19.0
Component 4	8.0	0.54	8.54
Component 5	4.8	-	4.8
External Evaluation and Audit	0.2	-	0.2
<b>Total</b>	<b>30.0</b>	<b>2.54</b>	<b>32.54</b>

All other terms and conditions of the Financing Agreement remain unchanged.

This Addendum shall form an integral part of the Financing Agreement and shall enter into force on the date on which the Commission receives a notification from the Beneficiary confirming the completion of the internal procedures of the Beneficiary necessary for its entry into force. The Commission shall inform the Beneficiary of the date of the receipt of this notification. The Addendum shall not enter into force if such a notification is not received by the Commission by 31 December 2014.

Done in English in two original copies, one copy being handed to the Commission and one to the Beneficiary.

FOR THE COMMISSION



Michael A. KÖHLER

Director Neighbourhood  
Directorate-General for Development  
and Cooperation - EuropeAid

Date: 20/1/2014

FOR THE BENEFICIARY



Iurie LEANCA

Prime Minister  
Government of the Republic of Moldova

Date: 11/3/2014

**ANNEX II TO FINANCING AGREEMENT N°ENPI/2012/ 023-421**

**TECHNICAL AND ADMINISTRATIVE PROVISIONS**

<b>BENEFICIARY COUNTRY / REGION</b>	The Republic of Moldova		
<b>REQUESTING AUTHORITY</b>	The Government of the Republic of Moldova		
<b>BUDGET HEADING</b>	Budget line 19.080103		
<b>TITLE</b>	<b>Framework Programme in support of the current and new agreements between the European Union and the Republic of Moldova</b>		
<b>TOTAL COST</b>	EUR 32.54 million, of which: <ul style="list-style-type: none"><li>- EUR 30 million from the ENPI 2012 Annual Action Programme in favour of the Republic of Moldova (ENPI/2012/023-421); and</li><li>- EUR 2.54 million from the ENPI 2013 Special Measure “EaPIC” (Eastern Partnership Integration and Cooperation) programme (ENPI/2013/025-030)</li></ul>		
<b>AID METHOD/ MANAGEMENT MODE</b>	Project approach <b>Non-Decentralised management</b> <b>(direct centralised management and joint management)</b>		
<b>DAC-CODE</b>	15110	<b>SECTOR</b>	Public sector policy and administrative management

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## 1. DESCRIPTION

The Government of the Republic of Moldova<sup>1</sup> regards European integration as a fundamental priority of its domestic and foreign policy and is committed to the principles of enhanced political association and closer economic integration. Negotiations of the EU-Moldova Association Agreement (AA), including a Deep and Comprehensive Free Trade Area (DCFTA), were launched on the 12<sup>th</sup> January 2010. This far, broad agreement has been reached on Political Dialogue and Reform, Cooperation in the field of Foreign and Security Policy and Justice, Liberty and Security. Good progress has been made with regard to the Preamble, the Objectives and General Principles as well as the Institutional and General Provisions of the Agreement. All five Chapters of the People to People Cooperation have been closed, as have 21 of the 24 Chapters linked to cooperation in the Economic Sector.

Progress has also been made with respect to the introduction of visa liberalisation. An Action Plan on Visa Liberalisation was adopted by the European Council, and the Moldovan Government subsequently approved an internal agenda for the implementation of the Action Plan. The Commission's first progress report on the achievement of the benchmarks for Phase 1 of the Action Plan (16<sup>th</sup> September 2011) was positive. The Commission carried out three assessment missions of the implementation of Phase 1 in October and November 2011, Phase 2 is ongoing as of May 2013.

In its Communication *"On the general approach to enable ENP partner countries to participate in Community agencies and Community programmes"* (December 2006), the Commission proposed the progressive opening-up to the neighbouring countries of a broad range of EU programmes, and participation in the work of interested EU agencies. In line with the Commission Communication, a protocol to the Partnership and Cooperation Agreement was signed in September 2010, which enables Moldova's gradual participation to the EU Programmes. A Memorandum of Understanding (MoU), covering Moldova's participation in the EU 7<sup>th</sup> Framework Programme for Research and Technological Development (FP7), was signed in October 2011. The Academy of Sciences of Moldova, which is representing the Government on scientific and research matters, has elaborated a research strategy (2008) and appointed 10 National Contact Points to disseminate information regarding the opportunities offered by the FP7. For other EU programmes, the Government of Moldova has conducted an inter-ministerial consultation in order to assess the programmes and agencies that best suit Moldova's needs and priorities. A preliminary assessment was sent to the Commission for comments in early September 2011.

The implementation of the AA/DCFTA, the introduction of visa liberalisation and the participation in the EU programmes and agencies will necessitate considerable strengthening of the institutional, technical and human resource capacities of the core institutions in Moldova involved in these processes. The Comprehensive Institution Building (CIB) programme is designed specifically to assist Moldova to meet the preconditions for concluding the AA.

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<sup>1</sup> Republic of Moldova is hereafter referred to as Moldova.

agreeing a DCFTA and for progressing towards visa liberalisation in the future. A MoU with respect to the CIB was signed by the EU and Moldova on the 15<sup>th</sup> May 2010. The Secretary General of the Government was appointed as the CIB Coordinator. Subsequently, a Framework Document (FD) was elaborated jointly by the EU and the Government of Moldova, which identified the key issues to be addressed, indicated the core institutions to be strengthened and outlined possible mechanisms for assistance delivery. The FD identified three principal reform challenges to be addressed through the CIB: a) reforming the public administration; b) consolidating the rule of law and respect for human rights and fundamental freedoms; c) preparing Moldova in view of a possible future DCFTA with the European Union. The FD also required the core institutions to develop Strategic Development Programmes (SDP) as tools for identifying gaps in institutional capacity, formulating a series of interventions to address these gaps and indicating what resources (technical assistance, equipment, and training) are required.

The Government has consolidated its commitment to enhanced political association and closer economic integration within the framework of the Government Programme, *European Integration, freedom, democracy and welfare 2011-2014*, which targets public administration reform, consolidation of the rule of law, reinforcement of the democratic processes and establishing the preconditions for environmentally sustainable socio-economic development and poverty reduction.

Following the Comprehensive Institution Building approach, the present programme supports the Moldovan authorities in their endeavour to create closer bond with the European Union through an ambitious reform process. This programme focuses on capacity building of Moldovan institutions, addressing their needs through training, technical assistance and financial support to foster Moldova's participation to EU internal programmes and EU agencies.

An initial logical framework is attached. It may be updated or adapted without an amendment to the financing agreement as long as these modifications do not change the objectives of the programme.

## 1.1. Objectives

The **overall objective** is supporting Moldova to prepare, negotiate, conclude and implement its new contractual relations with the EU (Association Agreement including a DCFTA, as well as the Visa Liberalisation Action Plan) and to meet the objectives of the EU-Moldova ENP Action Plan.

The **specific objectives** are:

- To ensure effective institution-building of a limited number of core institutions that are central to preparing the ground for and implementing the future Association Agreement, including the DCFTA, and the Visa Liberalisation Action Plan.
- To support the relevant institutions within the Moldovan public administration to comply with the commitments set forth in the EU-Moldova ENP Action Plan

- To assist the national authorities to carry out the preparatory, supervisory, monitoring, audit and evaluation work necessary for the timely and efficient launch and implementation of actions in the framework of ENPI annual programming in the priority sectors of the EU-Moldova ENP and Visa Liberalisation Action Plans.
- To further accelerate Moldova's approximation and cooperation with the EU by fostering Moldova's participation in EU programmes and agencies in a broad range of areas.

In line with the principle of "more for more", this Programme benefits from additional funding (EUR 2.54 million) under the Eastern Partnership Integration and Cooperation (EaPIC) programme, with the aim of fostering democratic transformation and institution building.

## **1.2. Expected results**

This Framework Programme is expected to result in the following:

1. Enhanced capacity of the Moldovan authorities to negotiate and conclude the future Association Agreement including the DCFTA.
2. Strengthened institutional, technical and human resource capacities within the core institutions to co-ordinate the European integration process and to manage, implement and monitor their respective components of the EU-Moldova ENP Action Plan and the Visa Liberalisation Action Plan.
3. The Government's strategic planning, policy-making, annual and medium-term budgetary processes are aligned with national development and EU integration priorities.
4. Strengthened capacity to participate effectively in the programming exercises in priority sectors in line with the EU-Moldova ENP Action Plan.
5. Completion of negotiations to allow for Moldova's participation in EU programmes and in the work of EU agencies, which best match Moldova's priorities and capacities.

## **1.3. Activities and implementation timetable**

To meet the objectives, the current Framework Programme will comprise the following:

### Component 1 - Reforming the Public Administration

The Government is presently engaged in substantive reforms of the public administration system. The focus to date has primarily been upon strengthening policy development and management capacities, reform to the public finance management system, the introduction of more transparent and user-friendly procedures (e-governance, e-procurement and mechanisms



for consultation with civil society). Strategic Development Programmes for each public institution and a “change management” approach are being introduced.

This Framework Programme will assist the Government to implement the new Strategy and its Action Plan. Technical assistance will be provided to support the introduction of the “change management” approach. Further support will be provided through technical assistance, Twinning and training to the selected core institutions to enable them to implement their Strategic Development Programmes; complementary assistance is available through TAIEX and SIGMA. Policy advice (e.g. EU High Level Policy Advisers) constitutes another modality for assistance and may also address sectors under Components 2 and 3 of the present project. Assistance will also be provided to address weaknesses in the coordination of the legal approximation process, notably with respect to prioritising the drafting of particular legislation and ensuring synergy between the Government and Parliamentary agenda.

#### Component 2 - Consolidating the rule of law and respect for human rights and fundamental freedoms

Policy advice and technical assistance will be given to support the implementation of the 2<sup>nd</sup> Phase of the Action Plan on Visa Liberalisation according to the National Annotated Agenda, and will complement the assistance being provided through the EUHLPAM, the EUBAM, the project *Support to the Government of Moldova in the field of anti-corruption, reform of the Ministry of Internal Affairs, including police and personal data protection*, the Eastern Partnership Flagship Initiative for Integrated Border Management as well as other relevant Joint EU – Council of Europe programmes. The assistance will be targeted at block 2 on irregular migration and border management, migration management, as well as block 3 on public order and security, preventing and fighting corruption and supporting institutional changes related to organisational restructuring of the Ministry of Internal Affairs (Police), the integration of the Border Guard Service into the Ministry of Internal Affairs, as well as support to the Bureau for Migration and Asylum to achieve the benchmarks under the visa liberalisation dialogue. This Framework Programme will assist these institutions, through technical assistance and possible Twinning projects related to legal approximation, institutional change and capacity building, the procurement of essential technical equipment and the development of necessary databases compatible with those used in the EU. This component also integrates an amount of EUR 2 million from Eastern Partnership Integration and Cooperation (EaPIC) programme for a joint management project with the Council of Europe in the field of Fight against corruption, money laundering and economic crimes.

#### Component 3 - Preparing the Republic of Moldova in view of a possible DCFTA with the EU

Following the launching of the DCFTA negotiations between Moldova and European Union, policy advice and technical cooperation (including supplies) will be given to the Government of Moldova for the implementation of the current and further key recommendations and activities related to the thematic areas covered during the entire negotiation process. Thus, the required

technical assistance will be concentrated on the implementation process of the DCFTA, especially in the following priority areas:

1. Overall coordination and administrative capacity building;
2. Market access for goods/trade statistics;
3. Tariff and non-tariff barriers (NTBT);
4. Technical barriers to trade (TBT);
5. Sanitary and phyto-sanitary (SPS) measures;
6. Trade facilitation and customs administration;
7. Rules of origin (RoO);
8. Services and investment;
9. Intellectual property rights (IPR);
10. Public procurement;
11. Competition;
12. Sustainable development (social and labour issues; environment);
13. General issues.

#### Component 4 - Support to the implementation of the EU-Moldova ENP Action Plan

Actions under this component will support the development of institutional and administrative capacities for the implementation of the EU-Moldova ENP Action Plan commitments, including regulatory approximation and the implementation of the Visa Liberalization Action Plan. In addition, assistance will be provided for the identification, formulation, audit and evaluation of actions under the Framework Programme. This component also integrates an amount of EUR 0.54 million from Eastern Partnership Integration and Cooperation (EaPIC) programme for a joint management project with the Council of Europe in the field of Media freedom and Pluralism.

#### Component 5: Fostering Moldova's participation to the EU programmes and agencies

Following the Protocol to the Partnership and Cooperation Agreement<sup>2</sup>, this component will foster Moldova's participation to internal EU programmes. A Memorandum of Understanding for Moldova's participation in FP7 from January 2012 was signed on 11 October 2011.

To the extent of the funds available, this component will allow providing co-financing of up to 50% of the entry fees for Moldova's participation in FP7 and other EU programmes and agencies – provided the necessary conditions are met – according to the priorities expressed by the beneficiary, its financial possibilities, and the needs in the relevant sectors. The reimbursement of the entry fees will be based upon an ad hoc grant contract to be signed with the institution that will pay the fees, and payment will be made after receiving evidence of the payment of the total fee.

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<sup>2</sup> Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Moldova, of the other part, on a Framework Agreement between the European Union and the Republic of Moldova on the general principles for the participation of the Republic of Moldova in Union programmes, 19.01.2011.

## **2. LOCATION AND DURATION**

### **2.1. Location**

The programme will be implemented on the territory of the Republic of Moldova.

### **2.2. Duration**

The execution period of the Agreement will be as specified in Article 5 of the Special Conditions.

## **3. IMPLEMENTATION**

### **3.1 Organisational set-up and responsibilities**

#### **Direct centralised management**

The project will be implemented by the Commission, through its delegation in Moldova.

All contracts and payments are made by the Commission on behalf of the Beneficiary.

A number of implementation modalities will be used: service, supply and grant contracts, including twinning grant contracts.

Under component 5, the reimbursement of the fees for Moldova's participation in EU programmes and agencies will be provided under the ENPI as a reimbursement of up to 50% of the "entry ticket" (fees for year n) for the EU programmes for which a Memorandum of Understanding (MoU) is in force. Reimbursement of the 50% fees for year n+1 may also be considered. The EU contribution to the "entry ticket" will be negotiated between the beneficiary and the Commission before the MoU is signed. The participation of the beneficiary in EU programmes shall follow the specific terms and conditions set out for each such programme/agency in the MoU, without prejudice that further details about terms of payment could be arranged afterwards.

#### **Joint management**

Based on the needs and requests from the beneficiary, one or more standard contribution agreements could be signed with international organisations.

The involvement of three international organisations is possible: the World Bank, the Council of Europe and the UNDP, in view of their specific expertise, their capacity and given the activities that they already implement in Moldova in their respective field(s) of specialisation (as indicatively listed in the table below).

International organization	Expected fields of expertise
United Nations Development Programme (UNDP)	Institutional Development (Policy advice, Public Administration Reform, Decentralization), Justice and Human Rights, Border management
World Bank	Economic competitiveness (Business Regulation, Tax Administration), Public sector governance (Central Public Administration Reform, Public Finance Management), Trade related Technical Assistance
Council of Europe	Human Rights (including Media freedom and pluralism), Democracy (Election legislation, anticorruption), Rule of Law (Justice sector reform, Security and law enforcement, Fight against corruption, money laundering and economic crimes)

In due consideration of the principle of ownership, the European Commission reserves its right to change the organisations indicated above or the scope of the delegation, without this necessarily requiring an amendment to the financing agreement. In that case, it shall consult the Beneficiary on this change and notify to it the name of the new organisation and/or the scope of the task(s) delegated to it.

The present programme also benefits from additional funding (EUR 2.54 million) under the Eastern Partnership Integration and Cooperation (EaPIC) programme, with the aim of fostering democratic transformation and institution building. This amount shall be used for a joint management project with the Council of Europe in the field of Fight against corruption, money laundering and economic crimes (Component 2 – EUR 2 million) and in the field of Media freedom and pluralism (Component 4 – EUR 0.54 million).

A CIB Steering Committee will monitor activities and results in CIB-related areas; its detailed composition and functions will be established by a common agreement between EU Delegation and the State Chancellery of the Republic of Moldova (national CIB coordinator).

### 3.2 Reporting

Reporting will be done in accordance with the General Conditions of each contract under this framework agreement (inception, interim and final, including a narrative and financial part).

### 3.2 Budget

The total project cost is estimated at EUR 32.54 million, which shall be financed from the general budget of the European Union. This amount is made of EUR 30 million from the ENPI 2012 Annual Action Programme in favour of the Republic of Moldova (ENPI/2012-023-421) and EUR 2.54 million from the ENPI 2013 Special Measure “EaPIC” (Eastern Partnership Integration and Cooperation) programme (ENPI/2013/025-030).



Indicative budget breakdown

Categories	EU contribution in EUR million	Total in EUR million
Components 1, 2 and 3 <b>Comprehensive Institution Building (CIB) programme</b> Including EUR 2 million from Eastern Partnership Integration and Cooperation (EaPIC) programme for a joint management project with the Council of Europe in the field of Fight against corruption, money laundering and economic crimes	19.0	19.0
Component 4 <b>Assistance targeted at institutions not covered by the CIB programme but relevant for the implementation of the ENP Action Plan</b> Including EUR 0.54 million from Eastern Partnership Integration and Cooperation (EaPIC) programme for a joint management project with the Council of Europe in the field of Media freedom and Pluralism	8.54	8.54
Component 5 <b>Support Moldova's participation in EU programmes and agencies</b>	4.8	4.8
External Evaluation and Audit	0.2	0.2
<b>TOTAL</b>	<b>32.54</b>	<b>32.54</b>

In case of twinning and technical assistance operations, it is expected that, as a minimum, the partner country will provide a functioning office and counterpart staff. Under the CIB initiative, and in the framework of the implementation of each Institutional Reform Plan, a financial contribution of at least 20% (parallel procurement) will be required when EU funding is used for supply of EU norm driven equipment.

Funds earmarked for Moldova's participation in the EU internal programmes and agencies are indicative and will be allocated following the conclusion of MoUs for association to specific programmes or agencies. Should the totality of the funds not be needed, the remaining envelope could be reallocated to other components of the programme.

## Procurement and grant award procedures

### *Direct centralised management*

#### 1) Contracts

All contracts will be awarded and implemented in accordance with the procedures and standard documents laid down and published by the Commission for the implementation of external operations, in force at the time of the launch of the procedure.

Participation in the award of contracts for the present action shall be open to all natural and legal persons covered by the Financial Regulation applicable to the general budget. Extension of this participation to other natural or legal persons by the concerned authorising officer shall be subject to the conditions provided for in Article 21(7) of the ENPI Regulation.

#### 2) Specific rules for grants

The selection and award criteria for the award of grants are laid down in the Practical Guide to contract procedures for EU external actions and accord with the principles set out in Title VI 'Grants' of the Financial Regulation applicable to the general budget. When derogations to these principles are applied, they shall be justified, in particular in the following cases:

- Financing in full (derogation to the principle of co-financing): the maximum possible rate of co-financing for grants is 80%. Full financing may only be applied in the cases provided for in Article 253 of the Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of the Financial Regulation applicable to the General Budget.
- Derogation to the principle of non-retroactivity: a grant may be awarded for an action which has already begun only if the applicant can demonstrate the need to start the action before the grant is awarded, in accordance with Article 112 of the Financial Regulation applicable to the General Budget.

For twinning grant contracts, the Twinning Manual shall apply.

### *Joint management*

All contracts implementing the action are awarded and implemented in accordance with the procedures and standard documents laid down and published by the relevant International Organisation.

## **4. MONITORING AND EVALUATION**

### **4.1 Monitoring**

The Commission may carry out Results Oriented Monitoring (ROM) via independent consultants, starting from the sixth month of project activities, which will be finalised at the latest 6 months before the end of the operational implementation phase.

#### **4.2 Evaluation and audit**

On a case-by-case basis, independent consultants recruited directly by the Commission on specifically established terms of reference could carry out external evaluations of selected projects under this framework programme, as follows:

- a mid-term evaluation mission;
- a final evaluation, at the beginning of the closing phase;
- possibly, an ex-post evaluation.

The Beneficiary and the Commission shall analyse the conclusions and recommendations of the mid-term evaluation and jointly decide on the follow-up action to be taken and any adjustments necessary, including, if indicated, the reorientation of the project. The reports of the other evaluation and monitoring missions will be given to the Beneficiary, in order to take into account any recommendations that may result from such missions.

The Commission shall inform the Beneficiary at least two weeks in advance of the dates foreseen for the external missions. The Beneficiary shall collaborate efficiently and effectively with the monitoring and/or evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities.

For the part of the programme implemented under joint management, the provisions included in the relevant framework agreement will apply.

#### **5. COMMUNICATION AND VISIBILITY**

Each project under this framework programme will have its own communication and visibility component and budget, according to the Communication and Visibility Manual for EU External Actions.

For the part of the programme implemented under joint management, the provisions included in the relevant framework agreement will apply.

#### **6. APPENDIX**

Appendix – Logical Framework